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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,713	03/31/2004	James F. Ziech	60680-636	5849

7590 06/16/2006

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EXAMINER

WEBB, TIFFANY LOUISE

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/813,713	Applicant(s) ZIECH ET AL.	
	Examiner Tiffany L. Webb	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 6-9, 14-17 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-13, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
- 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8 pages, mult date</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species I in the reply filed on 5/1/2006 is acknowledged. The traversal is on the ground(s) that the search and examination of Species II and III in conjunction with Species I would not place a serious burden on the examiner. The Applicant further indicated that a thorough search would cover all subject matter of all three species. This is not found persuasive because regarding a species election, since the claims are directed to independent invention, restriction is proper pursuant to 35 U.S.C. 121, and it is not necessary to show a separate status in the art or separate classification (MPEP 808.01 (a)). That is, separate status, or separate search, is not required criteria regarding serious burden when considering species. It is the Examiner's position that the examination of three patentable distinct inventions is a serious burden.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 6-9, 14-17, and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species II and III, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/1/2006.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "64" and "66" have been used to designate two distinctly different parts in the drawings.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second bores must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5, 10-13, 18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ziech et al. (US 2003/0234529).

The applied reference has a common inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1 and 18, Ziech et al. discloses having a steer axle and suspension assembly for a vehicle having a frame including first and second longitudinal frame rails (18 and 20) extending parallel to one another, said assembly including: a steer axle assembly (46) including an axle beam (46) defining a first bore (48) at a first longitudinal end and a second bore (50) at a second longitudinal end, the axle beam extending transverse to the first and second frame rails (see Figure 1); a first kingpin disposed within the first bore in the axle beam (48); a second kingpin disposed within the second bore in the axle beam (50); a first steering knuckle (52) rotatably supported on the first kingpin; and, a second steering knuckle (54) rotatably supported on the second kingpin; and, a suspension including a suspension member (100) connected to said frame at a first end and to the steer axle assembly at a second end;

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and, a first suspension arm (104) connected to the frame at a first end and to the steer axle assembly at a second end at a location outboard of the first and second frame rails, said first suspension arm extending longitudinally at an angle relative to the first and second frame rails (see Figure 1) ; a second suspension member (98) connected to the frame at a first end and to said steer axle assembly at a second end; and a second suspension arm (102) connected to the frame at a first end and to the steer axle assembly at a second end at a location outboard of the first and second frame rails, the second suspension arm extending longitudinally at an angle relative to said first and second frame rails (see Figure 1). Regarding claim 2, Ziech et al. discloses the second end of the first suspension arm is mounted on the axle beam (see Figure 1, 72).

Regarding claim 3, Ziech et al. discloses the second end of the first suspension arm (104) being mounted on the king pin (see paragraph [0033], lines 29-31). Regarding claim 4, Ziech et al. discloses the second end of the first suspension arm being mounting on the steering knuckle (see paragraph [0033], lines 29-31). Regarding claim 5, Ziech et al. discloses the suspension member being a suspension arm (98 or 100). Regarding claim 10, Ziech et al. discloses the second end of the suspension member is connected to the steer axle assembly at a location outboard of the first and second frame rails, the suspension member extending longitudinally at an angle relative to said first and second frame rails (see Figure 5, element 98 is the same as element 100).

Regarding claim 11, Ziech et al. discloses the suspension member and the first suspension arm connected to the frame forward of said axle beam and the of the suspension member and the first suspension arm is connected to the frame rearward of

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the axle beam (see Figures 1 or 5). Regarding claim 12, Ziech et al. discloses the second end of the suspension member and the second end of the first suspension arm are both mounted on the axle beam, the first kingpin or first steering knuckle (see Figure 5). Regarding claim 13, Ziech et al. discloses either the second end of the suspension member or the second end of the first suspension arm is mounted to other the axle beam, the first kingpin or the first steering knuckle and other of the second end of the suspension member or the second end of the first suspension arm is mounted to either the axle beam, the first kingpin or the first steering knuckle (see Figures 1 and 5). Regarding claim 18, Ziech et al. discloses the second ends of the first and second suspension members are each connected to the steer axle assembly at locations outboard of the first and second frame rails and the first and second suspension members extend longitudinally at an angle relative to the first and second frame rails (see Figures 1 and 5).

Conclusion

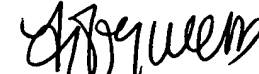
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are diagonal link suspension assemblies: Kami et al. (US 5,507,510) and Eppelein (US 7,048,286).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany L. Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Tiffany L Webb
Examiner
Art Unit 3616

tlw

 6/12/06
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